

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:18-CV-200-FL

LYNDON FRINK as TRUSTEE for
THE UNITED STATES LIVING
TRUST #LFF39472,

Plaintiff,

v.

DEUTSCHE NATIONAL BANK
TRUST COMPANY as TRUSTEE for
MORGAN STANLEY ABS CAPITAL I
INC. TRUST 2007-NC1, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2007-NC1,

Defendant.¹

ORDER

This matter is before the court on the motion of Deutsche National Bank Trust Company to remand this matter to General Court of Justice, Superior Court Division, Brunswick County, North Carolina. (DE 12). This court lacks subject-matter jurisdiction over this case where the North Carolina non-judicial foreclosure proceedings defendant seeks to remove does not implicate federal question jurisdiction nor is there diversity jurisdiction. See, e.g., In re Naef, No. 7:10-CV-197-FL,

¹ For the purposes of resolution of the instant motion, the court adopts the caption of this case as provided by Lyndon Frink, who seeks removal of the following action: IN RE: Foreclosure of Real Property Under Deed of Trust from Lyndon F. Frink and Andrea Frink a/k/a Andrea Dillon Frink a/k/a Andrea Charmaine Dillon Frink, in the original amount of \$210,000.00, payable to Best Rate Funding Corp., dated September 6, 2006 and recorded on September 27, 2006 in Book 2479 at Page 0261 and rerecorded/modified/corrected on August 9, 2016 in Book 3799, Page 0550, Brunswick County Registry Trustee Services of Carolina, LLC, Substitute Trustee, 17 SP 452, General Court of Justice, Superior Court Division, Brunswick County, North Carolina.

2010 WL 5058383, at *3 (E.D.N.C. Dec. 3, 2010). Accordingly, Deutsche National Bank Trust Company's motion for remand is GRANTED, and this matter is hereby REMANDED to the General Court of Justice, Superior Court Division, Brunswick County, North Carolina.

SO ORDERED, this the 14th day of January, 2019.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
United States District Judge